

REMARKS

Claims 1-24, 26, 29-31, and 33-37 have been objected to because claim 1 does not positively recite the limitation "said operator and said device can transmit." In response, the Applicants have made appropriate correction to claim 1, and as such, submit that the objection of claims 1-24, 26, 29-31, and 33-37 has been overcome.

Claims 1-2, 4-8, 14-15, and 29-31 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Brinkmeyer et al. (US 5,940,007), hereinafter Brinkmeyer, in view of Madau (US 6,593,856), and in further view of Welty (US 5,109,222). Claims 9-13 have also been rejected under 35 U.S.C. §103(a) as being unpatentable over Brinkmeyer in view of Madau in view of Welty, and further in view of Sunan et al. (US 5,903,226), hereinafter Sunan. In addition, claims 16-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Brinkmeyer in view of Madau, in view of Welty and in further view of Dykema et al. (US 5,661,804), hereinafter Dykema. In addition, claims 3 and 26 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Brinkmeyer in view of Madau, in view of Welty, and in further view of Funk (US 3,971,028). Claims 18-23 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Brinkmeyer in view of Madau, in view of Welty and Dykema. Claim 24 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Brinkmeyer in view of Madau, in view of Dykema, in view of Welty, and in further view of Huang et al. (US 6,334,636), hereinafter Huang. In addition, claims 33-37 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Brinkmeyer in view of Madau, in view of Welty, and further in view of Farris et al. (US 5,949,349), hereinafter Farris. Claims 50-53 are rejected under 35 U.S.C. §103(a) as being unpatentable over Brinkmeyer in view of Welty.

Before addressing the rejections, the Examiner is reminded that in order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Last, the prior art reference (or references, when combined) must teach or suggest all the claim limitations. Moreover, the teaching or suggestion to make the claimed combination and the reasonable expectations of success must both be found in the prior art, and not based on the Applicant's

disclosure. *In re Vaeck*, 947 F2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

After careful consideration, the Applicants have amended claim 1 to more clearly define over the cited references. In particular, claim 1 now recites a device which controls an electrical load, the device taught to receive selected wireless operational signals to control the load, wherein the selected wireless operational signals are recognizable by both the operator and the device and both the operator and the device are configured to transmit the selected wireless operational signals. Claim 1 also recites at least one transmitter generating wireless operational signals upon a single button actuation receivable by both the operator and the device for at least one of independent operation of each and collective operation of both the operator and the device, wherein during collective operation the selected wireless operational signals are received at the operator for actuation of the motorized barrier and retransmitted to the device for actuation of the device, and wherein the device is configured to indicate the status of the electrical load coupled to the device.

In contrast, Brinkmeyer, Madau, and Welty do not individually or by their combination teach or suggest that wireless operational signals received by the operator are retransmitted to the device for actuation of both the motorized barrier and the device that controls an electrical load. In particular, the system taught by Welty is configured such that the computer (operator) receives a transmitted signal from a remote transmitter and processes it to control various devices, such as a garage door opener. Thus, the command signal (operational signal) sent to the computer (operator) of Welty is not used to control a function at the computer (operator), rather the command signal (operational signal) is reformatted by the computer (operator) and then forwarded to an associated device for control thereof. However, the Applicants' invention utilizes the signal transmitted by the transmitter to control a function at the operator and then to control the device that controls an electrical load. As such, claim 1 contemplates the use of transmitting one signal to control multiple components, while Welty does not. Furthermore, none of the references teach or suggest the ability to indicate the status of an electrical load coupled to the device, as is recited in claim 1. Thus, because each and every limitation of claim 1 is not taught or suggested individually or by the combination of Brinkmeyer, Madau, and Welty, the Applicants respectfully request that the rejection of claim 1, and claims 2, 4-8, 14-15, and 29-31 depending therefrom be withdrawn.

Claim 50 has also been amended to more clearly define over Brinkmeyer and Welty,

and as such now recites at least one transmitter generating wireless operational signals receivable by one of the barrier operator and the device for actuation thereof, wherein in one mode one of the barrier operator and the device subsequently transmits another wireless operational signal to the other of the barrier operator and the device, and wherein in another mode the barrier operator retransmits received operational signals to the device to control the actuation of both the motorized barrier and the device, wherein the device is configured to indicate the status of the electrical load coupled to the device.

In contrast, Brinkmeyer and Welty do not teach that the barrier operator retransmits received operational signals to the device to control the actuation of both the motorized barrier and the device, as recited in claim 50. Furthermore, neither of the references teach or suggest a device that is configured to indicate the status of the electrical load coupled to the device, as in claim 50. Thus, because each and every limitation of claim 50 is not taught or suggested individually or by the combination of Brinkmeyer and Welty, the Applicants respectfully request that the rejection of claim 50 and claims 51-53 depending therefrom be withdrawn.

In view of the foregoing amendments and arguments presented herein, the Applicants believe that they have properly set forth the invention and accordingly, respectfully request that the Examiner reconsider and withdraw the objections and rejections provided in the last Office Action. A formal Notice of Allowance of claims 1-24, 26, 29-31, 33-37, and 50-53 is earnestly requested. Should the Examiner care to discuss any of the foregoing in greater detail, the undersigned attorney would welcome a telephone call.

In the event that a fee required for the filing of this document is missing or insufficient, the undersigned Attorney hereby authorizes the Commissioner to charge payment of any fees associated with this communication or to credit any overpayment to Deposit Account No. 18-0987. If a withdrawal is required from Deposit Account No. 18-0987, the undersigned Attorney respectfully requests that the Commissioner of Patents and Trademarks cite Attorney Docket Number **WAY.P.US0075** for billing purposes.

Respectfully submitted,



Andrew B. Morton, Reg. No. 37,400

Application No.: 10/782,558
Reply to Office Action of November 6, 2007
Attorney Docket No. WAY.P.US0075

Renner, Kenner, Grieve, Bobak, Taylor & Weber
First National Tower 4th Floor
Akron, Ohio 44308-1456
Telephone: (330) 376-1242
Facsimile: (330) 376-9646
Email: morton@rennerkenner.com

Attorney for the Applicants

Attorney Docket No: WAY.P.US0075